



S&H Form: (10/03)
Attorney Docket No. 826.1656

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Hiroshi, NISHIMOTO

Application No.: 09/749,426

Group Art Unit: 2633

Filed: December 28, 2000

Examiner: Agustin Bello

For: OPTICAL NODE DEVICE AND SIGNAL SWITCHING AND CONNECTION METHOD

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed April 1, 2004 finally rejecting claims 1-15.

The items checked below are appropriate:

1. EXTENSION OF TIME PETITION AND FEE

Attached is a petition for a two-month extension of time for reply to the final rejection. \$ 420.00

2. APPEAL FEE

Other than a small entity 330.00

TOTAL FEE \$ 750.00

09/02/2004 CNGUYEN 00000055 09749426

01 FC:1401 330.00 0P
02 FC:1252 420.00 0P

3. PAYMENT

Check attached for the total fee of \$ 750.00.

Charge Account 19-3935 for any fee deficiency.

Respectfully submitted,

STAAS & HALSEY LLP

Dated:

Sept 1, 2004

By:


Deidre M. Davis

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S&H Form: (10/03)

**REPLY/AMENDMENT
FEE TRANSMITTAL**

| | | | |
|--|----------------------|--------------------|---------------|
| REPLY/AMENDMENT FEE TRANSMITTAL | Attorney Docket No. | 826.1656 | |
| | Application Number | 09/749,426 | |
| | Filing Date | December 28, 2000 | |
| | First Named Inventor | Hiroshi, NISHIMOTO | |
| | Group Art Unit | 2633 | |
| AMOUNT ENCLOSED | \$750.00 | Examiner Name | Agustin Bello |

FEE CALCULATION (fees effective 10/01/03)

| CLAIMS AS AMENDED | Claims Remaining After Amendment | Highest Number Previously Paid For | Number Extra | Rate | Calculations |
|---|----------------------------------|------------------------------------|--------------|--------------|--------------|
| TOTAL CLAIMS | 15 | - 20 = | 0 | X \$ 18.00 = | \$ 0.00 |
| INDEPENDENT CLAIMS | 3 | - 3 = | 0 | X \$ 86.00 = | 0.00 |
| Since an Official Action set an original due date of September 1, 2004, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$420); 3 months (\$950); 4 months (\$1,480); 5 months (\$2,010)); | | | | | 420.00 |
| If Notice of Appeal is enclosed, add (\$330.00) | | | | | 330.00 |
| If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110.00) | | | | | |
| Information Disclosure Statement (Rule 1.17(p)) (\$180.00) | | | | | |
| Total of above Calculations = | | | | | \$ 750.00 |
| Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28) | | | | | |
| TOTAL FEES DUE = | | | | | \$ 750.00 |

- (1) If entry (1) is less than entry (2), entry (3) is "0".
- (2) If entry (2) is less than 20, change entry (2) to "20".
- (4) If entry (4) is less than entry (5), entry (6) is "0".
- (5) If entry (5) is less than 3, change entry (5) to "3".

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Technology Center 2600
METHOD OF PAYMENT

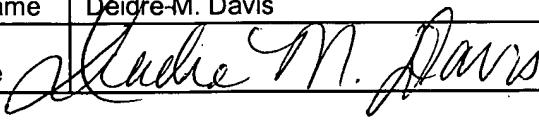
- Check enclosed as payment.
- Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

GENERAL AUTHORIZATION

- If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

| | |
|----------------------|--------------------|
| Deposit Account No. | 19-3935 |
| Deposit Account Name | STAAS & HALSEY LLP |
- The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

| | | | |
|------------|---|----------|-------------------|
| Typed Name | Deidre-M. Davis | Reg. No. | 52,797 |
| Signature |  | Date | September 1, 2004 |

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